

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MARLON PLACIDE,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 3:05-0646

(Criminal Case Nos. 3:00-00188;

3:01-00043)

JUDGE ECHOLS

ORDER

For the reasons stated herein and in the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) Marlon Placide's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Docket Entry No. 1), is hereby DENIED.

(2) Placide's Motion For Leave To Designate And Adopt Exhibit Already Filed In The Record Evidence (Docket Entry No. 25) is hereby GRANTED. Movant has shown good cause for the Court to consider exhibits which were previously made a part of the Court's file in this case rather than to require submission of additional copies of the exhibits. The Court has considered the Appendix attached to Movant's Motion for Discovery and Expansion of Record (Docket Entry No. 2), which was filed on August 18, 2005, in ruling on the § 2255 Motion.

(3) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

(4) Because Movant cannot demonstrate that reasonable jurists would find the Court's assessment of the constitutional claims debatable or wrong, a Certificate of Appealability will not issue. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE